

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 709 – SB 1028

April 1, 2013

SUMMARY OF ORIGINAL BILL: Extends the statute of limitations for trafficking for commercial sex acts, promoting prostitution, patronizing prostitution, and soliciting sexual exploitation of a minor to 25 years after the victim becomes 18 years of age.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$27,300/Incarceration*

SUMMARY OF AMENDMENT (005819): Deletes all language after the enacting clause. Extends the statute of limitations for trafficking for commercial sex acts and soliciting sexual exploitation of a minor to 10 years after the victim becomes 18 years of age. Extends the statute of limitations for patronizing prostitution and promoting prostitution to 15 years after the victim becomes 18 years of age.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

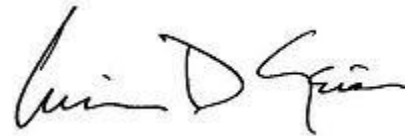
- Currently, the statute of limitations for trafficking for commercial sex acts, promoting prostitution, patronizing prostitution, and soliciting sexual exploitation of a minor vary from 2–15 years. The proposed legislation would increase these statutes of limitation to 25 years from the date the victim/child reaches the age of 18.
- It is assumed that an extension of these statutes of limitation will result in a five percent increase in admissions for each of the four offenses.
- According to the DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, there has been an average of 6.9 admissions for promoting prostitution, a Class E felony, over the last 10 years. The proposed legislation will result in one additional admission every three years ($6.9 \times 0.05 = .345$).
- The average time served for a Class E felony is 1.21 years (441.95 days).

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, is based on one additional offender every three years serving 1.21 years (441.95 days) for a total of \$9,453 [(\$64.17 x 441.95 days) / 3].
- According to the DOC, there has been an average of 0.67 admissions for trafficking for commercial sex acts, a Class B felony, over the last three years. The proposed legislation will result in one additional admission every thirty years (.67 x 0.05 = .03).
- The average time served for a Class B felony is 5.29 years (1,932.17 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, is based on one additional offender every thirty years serving 5.29 years (1,932.17 days) for a total of \$4,133 [(\$64.17 x 1,932.17 days) / 30 years].
- According to the DOC, there has been an average of 2.1 admissions for soliciting sexual exploitation of a minor, a Class B felony, over the last 10 years. The proposed legislation will result in one additional admission every nine years (2.1 x .05 = 0.11).
- The average time served for a Class B felony is 5.29 years (1,932.17 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9–4–210, is based on one additional offender every eight years serving 5.29 years (1,932.17 days) for a total of \$13,776 [(\$64.17 x 1,932.17 days) / 9 years].
- According to the DOC, there have been no admissions for patronizing prostitution of a minor, a Class E felony, since it was enacted. Therefore, it is estimated that extending the statute of limitations for patronizing prostitution of a minor will not result in a significant impact to the Department's allocated budget for this offense. Any cost can be accommodated within the existing resources of DOC without an increase appropriation.
- The total additional incarceration cost is \$27,362 (\$9,453 + \$4,133 + \$13,776).
- Any increase in caseloads for the District Public Defenders Conference or the District Attorneys General Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increase appropriation or reduced reversion.

**Tennessee Code Annotated § 9–4–210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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